

CASE # C15-2010-0157

ROW- 10525020

TP- 0320020607

**CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE**

WARNING: Filing of this appeal stops all affected construction activity.

**PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED
INFORMATION COMPLETED.**

STREET ADDRESS: 4909 COPPER BEND BLVD Austin TX
78745

LEGAL DESCRIPTION: Subdivision - FRANKLIN PARK AMENDED

Lot(s) 7 Block M Outlot - Division -

I/We DAVID Burnham on behalf of myself/ourselves as authorized agent for
(mother)
KATHRYN Burnham affirm that on Nov. 30, 2010

hereby apply for a hearing before the Board of Adjustment for consideration to:

ERECT - ATTACH - COMPLETE - REMODEL - MAINTAIN

Variance Approved CARPORT - C15-96-065
Approved Permit - 9601260 { EXPIRED } 1996-007110BP

Decrease the minimum front street setback from 25' to 0'
in a SF3N/P district. - Franklin Park Neighborhood Plan
(zoning district)

The Austin Electric Utility Department (Austin Energy) enforces electric easements and the setback requirements set forth in the Austin Utility Code, Electric Criteria Manual and National Electric Safety Code. The Board of Adjustment considers variance to the Land Development Code, and a variance granted by the Board of Adjustment does not waive the requirements enforced by Austin Energy. Please contact Lena Lund with Austin Energy at 322-6587 before filing your application with the Board of Adjustment if your request is for a reduction in setbacks or height limits.

NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use

because:

Kashryn Burnham is 88 yrs old AND want to maintain
her existing carport to be replaced with a metal carport
for ~~too~~ little or no maintenance.

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that:

Due to knee operation AND Arthritis AND Age - 88 yrs old
it is difficult for her to get in & out of vehicle during BAD
weather conditions - {RAIN - WIND, etc}

- (b) The hardship is not general to the area in which the property is located because:

Getting in & out of vehicle - Loading & unloading groceries
AND medicine becomes easier when not being RAINED ON OR
HEAT from SUN Beaming Down.

AREA CHARACTER:

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

The metal carport maintains the value of the surrounding
properties, because metal does not rot or fade or become
delapidated, with time.

PARKING: (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

APPLICANT CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed David Burnham Mail Address 4909 Copper Bend Blvd
City, State & Zip Austin TX 78745

Printed DAVID Burnham Phone 512-4423942 Date Nov 30, 2010
512-9390365

OWNERS CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed Kathryn Burnham Mail Address 4909 Copper Bend Blvd
City, State & Zip Austin TX 78745

Printed KATHRYN Burnham Phone 512-4423942 Date Nov 30, 2010

GENERAL INFORMATION FOR SUBMITTAL OF A VARIANCE REQUEST TO THE BOARD OF ADJUSTMENT

(The following is intended to provide assistance in explaining the variance process. These suggestions are not intended to be a complete or exhaustive guide in assisting you through this process.)

VARIANCE REQUIREMENTS:

General Requirements:

- A. A variance may be granted if, because of special circumstances of a property, the strict application of the Land Development Code regulations deprives the property owner of privileges that are enjoyed by another person who owns property in the area that has the same zoning designation as the property for which the variance is requested.
- B. A variance to a regulation may not grant special privileges that are inconsistent with the limitations on other properties in the area or in the district in which the property is located.

Required Findings:

The Board of Adjustment is also required to make findings discussed below in order to grant a variance. Applicants must provide the Board with proposed findings.

SUBMITTAL REQUIREMENTS: (Failure to complete the application or to submit all the required materials will result in non-acceptance of the application.)

- (1) A completed application indicating all variances being requested. An application must include proposed findings that will support requested variances. The required findings must address each variance being sought.
- (2) A site plan to scale indicating present and proposed construction and location and use of structures on adjacent lots.
- (3) A tax plat with subject property clearly marked indicating property within a 300-foot radius. These are available from the Travis Central Appraisal District at 8314 Cross Park Drive (834-9138).
- (4) Check made payable to the City of Austin for the Board of Adjustment application fee. (Residential zoning - \$360. All other zonings - \$660.)
- (5) Other Information – Although the following is not a requirement of submittal you may wish to include additional information that may assist the Board in making an informed decision regarding your request such as: photos of the site or visual aids to support the request, letters from the neighborhood association(s) etc. Any additional information you wish to submit must be in our office one week prior to the meeting. The Board will receive a packet with all information that has been submitted on the Thursday prior to the meeting.

Variances approved by the Board are limited to and conditioned upon the plans and specifications presented by the applicants, except as modified by the Board.

REQUIRED FINDINGS: All variance findings must be met in order for the Board to grant a variance. An application must include proposed findings that will support the requested variance. Incomplete applications will not be accepted.

Reasonable Use:

Application must demonstrate to the Board how the zoning regulations applicable to the property do not allow for a reasonable use of the property. [Note: The Board cannot approve a variance for a use that is not allowed in the zoning district in which the property is located. This requires a change in zoning.]

Hardship:

- a. Application must demonstrate to the Board how the hardship for which the variance is requested is unique to the property. Hardship should be specific to the property for which the variance is being

requested. (For example, topography, lot configuration, or any physical constraint that would limit the placement of the structure or prevent compliance with required site development regulations, etc.) A strictly financial or personal reason is not a valid hardship.

- b. Application must demonstrate to the Board why the hardship is not general to the area in which the property is located. Describe how the hardship relating to the site is different from other properties in the area.

Area Character:

Application must demonstrate to the Board how the variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the zoning regulations of the zoning district in which the property is located.

NOTE: Parking variances require additional findings to be made. The additional findings are listed on the application and must also be completed for submittal of the application.

Board of Adjustment Staff:

**Susan Walker, Planner
974-2202**

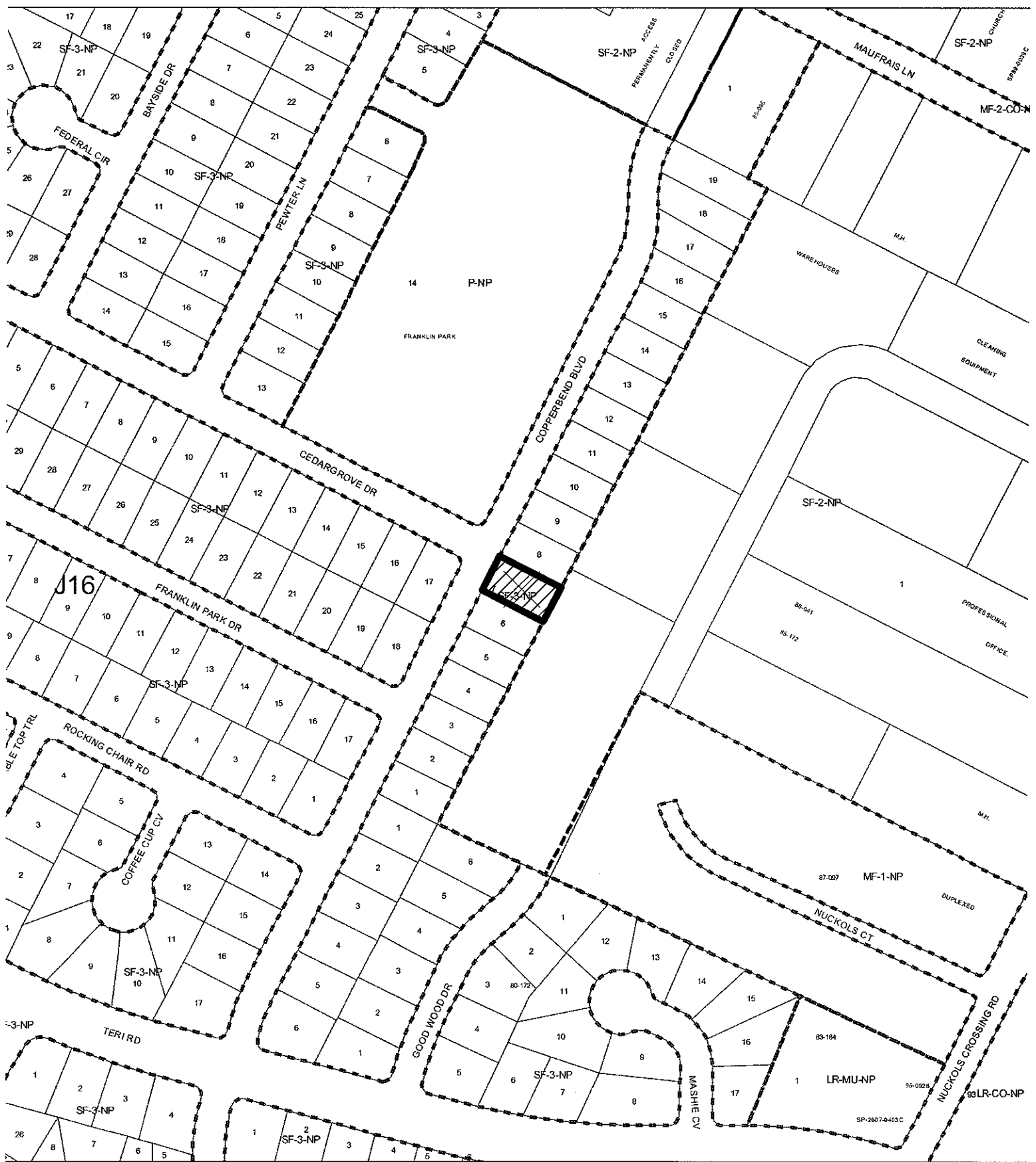
**Diana Ramirez, Administrative Specialist, Board Secretary
974-2241**

Fax #974-6536

**Watershed Protection and Development Review Department
One Texas Center
505 Barton Springs Road, 2nd Floor**

**Mailing Address:
P. O. Box 1088
Austin, TX 78767-1088**

Updated 5/22/08



BOARD OF ADJUSTMENTS

CASE#: C15-2010-0151

LOCATION: 4909 COPERBEND BLVD

GRID: J16

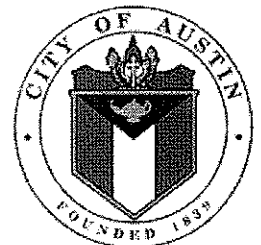
MANAGER: SUSAN WALKER



SUBJECT TRACT



ZONING BOUNDARY



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Christina
Backer

CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCES / PARKING VARIANCES

CASE # 9601260

C18-96-065

WARNING: Filing of this appeal stops all affected construction.

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PLEASE USE BLACK INK

PART I: APPLICANTS STATEMENT

STREET ADDRESS: 4909 Copper Bend Blvd. Austin TX 78744

LEGAL DESCRIPTION: Subdivision - Franklin Park Amended
Lot(s) 7 Block M Outlot — Division —

I/We Kathryn Burnham on behalf of myself/ourselves as
authorized agent for myself affirm that on
5-20 1996, hereby apply for a hearing before the Board of Adjustment for
consideration to:

ERECT - ATTACH - COMPLETE - REMODEL - MAINTAIN - SUBDIVIDE

with Zero Set back

in a neighbor hood zone.
(zone district)

NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings:

REASONABLE USE:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:

I'm not Disputing or Arguing with Regulations. I'm
73 yrs old, AND I Built the Carport to Care For my Son
AND Brother. I Didn't intend to Break Any Laws, I
Paid to have A Permit AS well AS to have my Carport
Built. I would truly Appreciate if you people
would Allow me to Keep my Carport. This is not a
Greeny situation, it's merely A NEARLY situation. I

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that:

It looks good Also it is used for Emergency situations. My Son has M.S and is in a wheelchair Also my Brother had A Stroke. AND is in A wheelchair also. my carport allows them to sit outside.

(b) The hardship is not general to the area in which the property is located because:
Also it allows me to load and unload them from the car when going AND coming From the Doctors. etc.

AREA CHARACTER:

3. The variance will not alter the character of the area adjacent to the zoning district in which the property is located because:

It's built nicely AND Painted Also. It - "my Carport" is A Asset Instead of a EYEsore.

PARKING: (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 107 of Chapter 13-5 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specified regulation because:

No Problem

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

There is not a Parking Problem with my Carport

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

It Doesn't stick out ~~the~~ in the Street, or it's not going to Fall Down. My Carport is used For HANDI-CAP Purposes.

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4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

My Carport is used strictly for Personal use. That's
involving Parking, AS well AS A SUNBLOCK For My HANDICAPPED SON & B

NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

APPLICANT CERTIFICATE - I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed Kathryn Burnham Mail Address 4909 Copper Bend Blvd
City, State & Zip AUSTIN TX 78744
Printed Kathryn Burnham Phone (512)-4423942 Date 5-20-96

OWNERS CERTIFICATE - I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed Kathryn Burnham Mail Address _____
City, State & Zip 4909 Copper Bend Blvd - AUSTIN TX 78744
Printed KATHRYN BURNHAM Phone (512)-4423942 Date 5-20-96

PART II: BUILDING OFFICIALS STATEMENT

Applicant is requesting a variance to:

decrease the min ft. st. setback
from 25' to 0'.

Section 13-2-630 of Chapter 13-2, provides, (requires) or allows:

a min 25' front Street Setback

DATE _____

BUILDING OFFICIAL Duran Walker

CITY OF AUSTIN
BOARD OF ADJUSTMENT/SIGN REVIEW BOARD
DECISION SHEET

DATE: 9-9-96

CASE NUMBER: C15-96-065

APPLICANT: KATHRYN BURNHAM

ADDRESS: 4909 COPPERBEND BOULEVARD

VARIANCE REQUESTED: TO DECREASE THE MINIMUM FRONT STREET SETBACK TO 0'.

BUILDING OFFICIAL'S DECISION: 13-2-630 REQUIRES A MINIMUM 25' FRONT STREET SETBACK. *granted S-O*

BOARD'S DECISION: *① do not allow for reasonable use because lots are small & sq. shape - do not allow for access*
② Hardship is unique to property because the lot size does not allow for this type of construction. Will facilitate safe access

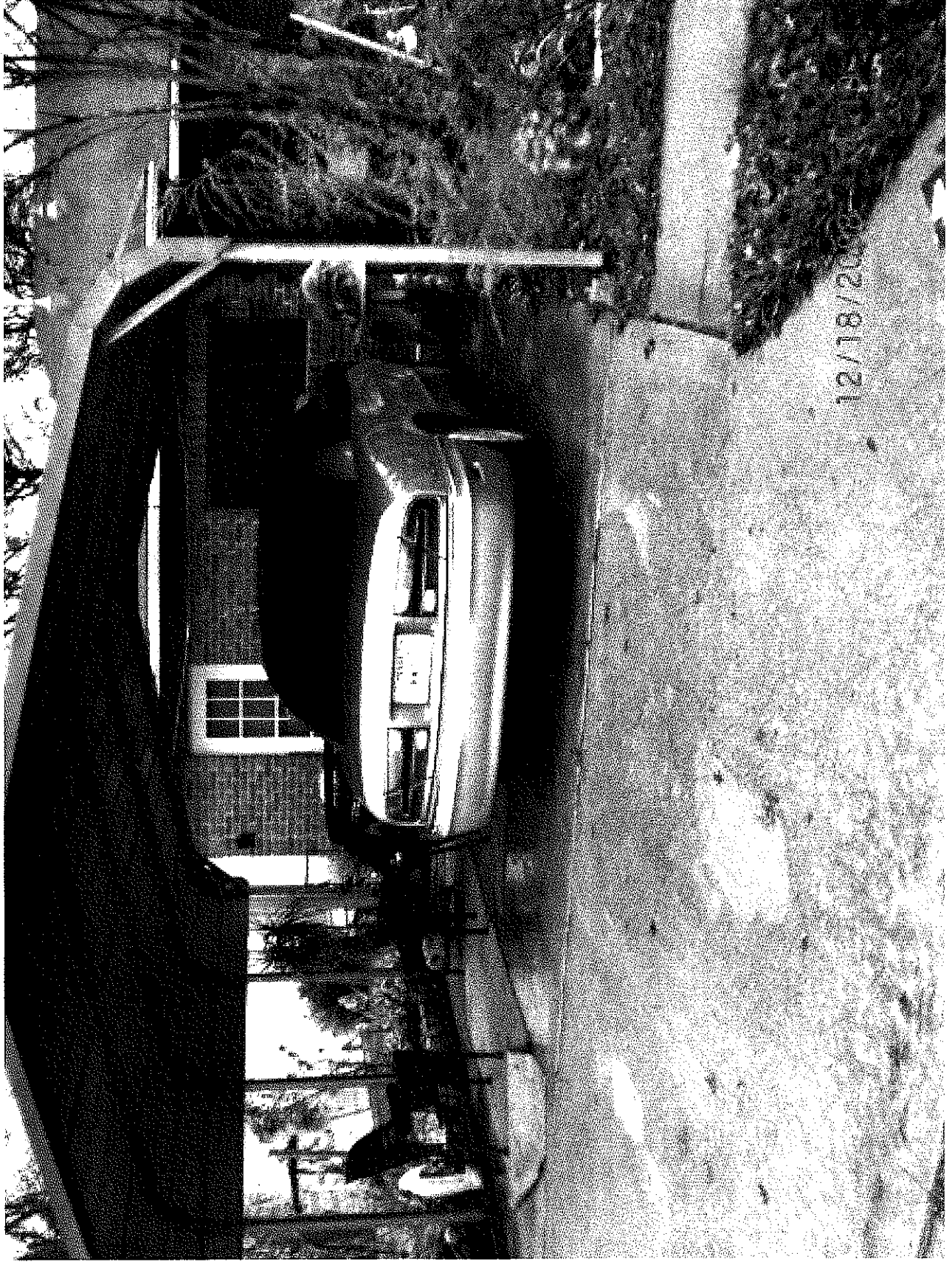
Tracy Watson
Tracy Watson, Executive Secretary

Sylvia Herrera
Sylvia Herrera, Chairperson

to vehicle.

Hardship is not general to area because ~~the~~ other properties have residences configured to enable safe ^{secure} cover to automobiles.

Will not alter char. of area - neighbor states no obstruction to view & does not reduce park view for security purposes.



4909 Copperbend Blvd.
Case 08-097406 CV

12-18-08
Investigator Constancio



4909 Copperbend Blvd.
Case 08-097406 CV

12-18-08
Investigator Constancio



City of Austin BUILDING PERMIT

Told
De... SF

Jan 13
2009

Debra F
1-26-2009

PERMIT NO: 1996-007710-BP

Type: RESIDENTIAL

Status: Expired

4909 COPPERBEND BLVD

Issue Date:

EXPIRY DATE: 08/29/2007

LEGAL DESCRIPTION Lot: 7 Block: M Subdivision: FRANKLIN PARK AMENDED						SITE APPROVAL		ZONING	
PROPOSED OCCUPANCY: Add Carport To Existing Residence		WORK PERMITTED: Addition				ISSUED BY:			
TOTAL SQFT New/Addn: 300		VALUATION Tot Val Rem: \$0.00		TYPE CONST.	USE CAT. 434	GROUP	FLOORS	UNITS 1	# OF PKG SPACES
TOTAL BLDG. COVERAGE		% COVERAGE	TOTAL IMPERVIOUS COVERAGE		% COVERAGE	# OF BATHROOMS		METER SIZE	

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Fee Desc	Amount	Date	Fee Desc	Amount	Date	Fee Desc	Amount	Date
Building Permit Fee	33.00	11/22/1996						
Fees Total:	33.00							

Inspection Requirements Building Inspection <i>This is set for BDA</i>

All Buildings, Fences, Landscaping, Patios, Flatwork And Other Uses Or Obstructions Of A Drainage Easement Are Prohibited, Unless Expressly Permitted By A License Agreement Approved By COA Authorizing Use Of The Easement.
City Code Chapter 25-12, Article 13: A permit expires on the 181st day if the project has not scheduled nor received an inspection. A "Cancelled" and/or "Failed/No Work Performed" inspection result does not extend the expiration date.

The following permits are required as a separate permit: See Mechanical, Electrical, Plumbing permits for Related Fees and Inspections.

Comments Bldg Inv Jr Kugle 5-2-96. Variance Granted From Front Set- Back.Did Not Chg Owner Inv Fee*** DAVID BURHAM 939-0265	<i>DCortines - 1-13-2009</i>
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By Accepting Or Paying For This Permit You are Declaring That You Are The Owner Or Authorized By The Owner That The Data Submitted At The Time Of Application Was True Facts And That The Work Will Conform To The Plans And Specification Submitted Herewith.



City of Austin BUILDING PERMIT

PERMIT NO: 1996-007710-BP

Type: RESIDENTIAL

Status: Expired

4909 COPPERBEND BLVD

Issue Date:

EXPIRY DATE: 08/29/2007

LEGAL DESCRIPTION Lot: 7 Block: M Subdivision: FRANKLIN PARK AMENDED						SITE APPROVAL		ZONING	
PROPOSED OCCUPANCY: Add Carport To Existing Residence		WORK PERMITTED: Addition				ISSUED BY:			
TOTAL SQFT New/Addn: 300		VALUATION Tot Val Rem: \$0.00		TYPE CONST.	USE CAT. 434	GROUP	FLOORS	UNITS 1	# OF PKG SPACES
TOTAL BLDG. COVERAGE		% COVERAGE	TOTAL IMPERVIOUS COVERAGE		% COVERAGE	# OF BATHROOMS		METER SIZE	

Type	Date	Status	Comments	Inspector
101 Building Layout		Open		Michael Davis
102 Foundation		Open		Michael Davis
103 Framing		Open		Michael Davis
104 Insulation		Open		Michael Davis
105 Wallboard		Open		Michael Davis
108 TCO Stocking		Open		Michael Davis
109 TCO Occupancy		Open		Michael Davis
112 Final Building		Open		Michael Davis



City of Austin BUILDING PERMIT

PERMIT NO: 1996-006295-BP
4909 COPPERBEND BLVD

Type: RESIDENTIAL
Issue Date:

Status: VOID

EXPIRY DATE: 08/29/2007

LEGAL DESCRIPTION Lot: 7 Block: M Subdivision: FRANKLIN PARK AMENDED						SITE APPROVAL		ZONING	
PROPOSED OCCUPANCY:		WORK PERMITTED: Remodel				ISSUED BY:			
Enclose Exist Cov'D Patio For A Screened Porch									
TOTAL SQFT		VALUATION Tot Val Rem: \$0.00		TYPE CONST.	USE CAT. 435	GROUP	FLOORS	UNITS 1	# OF PKG SPACES
TOTAL BLDG. COVERAGE		% COVERAGE	TOTAL IMPERVIOUS COVERAGE		% COVERAGE	# OF BATHROOMS		METER SIZE	

Fee Desc	Amount	Date	Fee Desc	Amount	Date	Fee Desc	Amount	Date
Building Permit Fee	23.00	11/22/1996						
Fees Total:	23.00							

Inspection Requirements

Building Inspection

All Buildings, Fences, Landscaping, Patios, Flatwork And Other Uses Or Obstructions Of A Drainage Easement Are Prohibited, Unless Expressly Permitted By A License Agreement Approved By COA Authorizing Use Of The Easement.

City Code Chapter 25-12, Article 13: A permit expires on the 181st day if the project has not scheduled nor received an inspection. A "Cancelled" and/or "Failed/No Work Performed" inspection result does not extend the expiration date.

The following permits are required as a separate permit: See Mechanical, Electrical, Plumbing permits for Related Fees and Inspections.

Comments

By Accepting Or Paying For This Permit You are Declaring That You Are The Owner Or Authorized By The Owner That The Data Submitted At The Time Of Application Was True Facts And That The Work Will Conform To The Plans And Specification Submitted Herewith.



City of Austin BUILDING PERMIT

PERMIT NO: 1996-006295-BP
4909 COPPERBEND BLVD

Type: RESIDENTIAL
Issue Date:

Status: VOID

EXPIRY DATE: 08/29/2007

LEGAL DESCRIPTION Lot: 7 Block: M Subdivision: FRANKLIN PARK AMENDED						SITE APPROVAL		ZONING	
PROPOSED OCCUPANCY:		WORK PERMITTED: Remodel				ISSUED BY:			
Enclose Exist Cov'D Patio For A Screened Porch									
TOTAL SQFT		VALUATION Tot Val Rem: \$00		TYPE CONST.	USE CAT. 435	GROUP	FLOORS	UNITS 1	# OF PKG SPACES
TOTAL BLDG. COVERAGE		% COVERAGE	TOTAL IMPERVIOUS COVERAGE		% COVERAGE	# OF BATHROOMS		METER SIZE	

Type	Date	Status	Comments	Inspector
101 Building Layout		Open		Michael Davis
102 Foundation		Open		Michael Davis
103 Framing		Open		Michael Davis
104 Insulation		Open		Michael Davis
105 Wallboard		Open		Michael Davis
108 TCO Stocking		Open		Michael Davis
109 TCO Occupancy		Open		Michael Davis
111 Energy Final		Open		Michael Davis
112 Final Building		Open		Michael Davis



City of Austin BUILDING PERMIT

PERMIT NO: 1981-013856-BP

Type: RESIDENTIAL

Status: VOID

4909 COPPERBEND BLVD

Issue Date:

EXPIRY DATE: 08/29/2007

LEGAL DESCRIPTION Lot: 7 Block: M Subdivision: FRANKLIN PARK AMENDED	SITE APPROVAL	ZONING
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PROPOSED OCCUPANCY:	WORK PERMITTED: Remodel	ISSUED BY:
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Enclosing Exist Gar To Create Den

TOTAL SQFT	VALUATION Tot Val Rem: \$00	TYPE CONST.	USE CAT. 435	GROUP	FLOORS	UNITS 1	# OF PKG SPACES
TOTAL BLDG. COVERAGE	% COVERAGE	TOTAL IMPERVIOUS COVERAGE	% COVERAGE	# OF BATHROOMS	METER SIZE		

Fee Desc	Amount	Date	Fee Desc	Amount	Date	Fee Desc	Amount	Date
Building Permit Fee	19.00	11/12/198						
Fees Total:	19.00							

Inspection Requirements

Building Inspection

All Buildings, Fences, Landscaping, Patios, Flatwork And Other Uses Or Obstructions Of A Drainage Easement Are Prohibited, Unless Expressly Permitted By A License Agreement Approved By COA Authorizing Use Of The Easement.

City Code Chapter 25-12, Article 13: A permit expires on the 181st day if the project has not scheduled nor received an inspection.
A "Cancelled" and/or "Failed/No Work Performed" inspection result does not extend the expiration date.

The following permits are required as a separate permit: See Mechanical, Electrical, Plumbing permits for Related Fees and Inspections.

Comments

By Accepting Or Paying For This Permit You are Declaring That You Are The Owner Or Authorized By The Owner That The Data Submitted At The Time Of Application Was True Facts And That The Work Will Conform To The Plans And Specification Submitted Herewith.



City of Austin BUILDING PERMIT

PERMIT NO: 1981-013856-BP

Type: RESIDENTIAL

Status: VOID

4909 COPPERBEND BLVD

Issue Date:

EXPIRY DATE: 08/29/2007

LEGAL DESCRIPTION Lot: 7 Block: M Subdivision: FRANKLIN PARK AMENDED						SITE APPROVAL		ZONING	
PROPOSED OCCUPANCY: Enclosing Exist Gar To Create Den		WORK PERMITTED: Remodel				ISSUED BY:			
TOTAL SQFT		VALUATION Tot Val Rem: \$00		TYPE CONST.	USE CAT. 435	GROUP	FLOORS	UNITS 1	# OF PKG SPACES
TOTAL BLDG. COVERAGE		% COVERAGE	TOTAL IMPERVIOUS COVERAGE		% COVERAGE	# OF BATHROOMS		METER SIZE	

Type	Date	Status	Comments	Inspector
101 Building Layout		Open		Julio Molis
102 Foundation		Open		Julio Molis
103 Framing		Open		Julio Molis
104 Insulation		Open		Julio Molis
105 Wallboard		Open		Julio Molis
108 TCO Stocking		Open		Julio Molis
109 TCO Occupancy		Open		Julio Molis
111 Energy Final		Open		Julio Molis
112 Final Building		Open		Julio Molis